

disregard injunctions when they forbid the doing of a thing which is lawful. Mitchell also was credited with signing "with full knowledge of the urgent appeal which accompanied the twenty-seven thousand or more circular letters to the various secretaries as heretofore specified against Gompers and Morrison and with full knowledge of their contents, counselling their distribution and with the same purpose and intent."

MITCHELL DIRECTLY RESPONSIBLE

The court also referred to the presence of Mitchell in the chair on January 25, 1908, at the annual convention of the United Mine Workers of America, when a resolution was adopted placing the Buck Stove and Range company on the "unfair list."

Continuing as to all three of the defendants, the court said:

"In defense of the charges now at bar, neither apology nor extenuation is deemed fit to be embraced; no claim of unmeant contumacy is heard; persisting in contemptuous violation of the order, no defense is offered save these:

"That the injunction (1) infringed the constitutional guaranty of freedom of the press, and (2) infringed the constitutional guarantee of freedom of speech."

The defense do not fill the measure of the case; the injunction was designed to stay the general conspiracy of which the publication of the "unfair" and "we don't patronize" lists were but incidents; the injunction interferes with no legitimate rights of criticism or comment that law has ever sanctioned and the respondents' intimation that it does so is a mockery and pretense."

In reference to the freedom of the press, the court declared that the constitution nowhere conferred the right to speak, to print or to publish. "It guarantees," said he, "only that insofar as the federal government is concerned its congress shall not abridge it and leaves the subject to the regulation of the several states, where it belongs. Who can be persuaded," asked the court, continuing, "that the publishing of false and malicious libels upon the integrity of honorable men or slanders upon the virtue of chaste women is an outrage upon 'the constitutional rights' of the villifier?"

CAN'T SAY WHAT YOU WANT TO

The court inquired if "those of thoughtful and sincere reflection escape the unharmonization claimed for a right of utter license in speech and press and the punishment by law of libels and the mulcting of slanders. No 'right' the court added, "to publish either the libel or the slander can be sustained, except upon the theory of a 'right' to do 'wrong.'"

The court declared that an elaboration of his argument with respect to the freedom of the press "would usually be quite agreeable to my desire," yet, he said, "these suggestions sound the hollowness of the defense and to essay more might savor of an inquiry into the correctness of the injunction ordered by Mr. Justice Gould, a duty already taken up and discharged by abler hands than mine."

In dismissing from further consideration the contention that the injunction invaded the right of free speech and of the press, the court held:

"The position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of the law over anarchy and riot verily depend. Are controversies to be determined in tribunals formally constituted by the law of the land for that purpose, or shall each who falls at odds with another take his own furious way? Are causes pending in courts to be decided by courts for litigants; or the view of each distempered litigant imposed upon the courts?"

SHOULD UPHOLD ERRONEOUS HOLDING

"Are decrees of courts to look for their execution to the supremacy of law or tumble in the wake of unsuccessful suitors who overstep them and lay about the matter with their own hands in turbulence proportioned to the frenzy of their disappointment?"

In the opinion of the court, even when a tribunal had fallen into error in the determination of a cause which it was invested with jurisdiction "to hear and determine" the duty and necessity of obedience remained, nevertheless, the same. "And," said the court, "it places the decision of the matter at bar distinctly on the proposition that were the order confessedly erroneous, yet it must have been obeyed (Worden vs. Searles, 121, U. S. 14.) It is between the

supremacy of law over the rabble, or its prostration under the feet of the disordered throng."

In conclusion the court said:

"Before the injunction was granted these men announced that neither they nor the American Federation of Labor would obey it; they have refused to obey it; and through the American Federation of Labor disobedience has been successfully achieved and the law has been made to fail; not only has the law failed in its effort to arrest a widespread wrong, but the injury has grown more destructive since the injunction than it was before. There is a studied, determined, defiant conflict precipitated in the light of open day, between the decrees of a tribunal ordained by the government of the federal union, and of the tribunal of another federation, grown upon the land; one or the other must succumb, for those who would unlaw the law are public enemies.

"It is written in the record that the labor union and its officers meddle into a member's daily affairs deeper than does the law; restrict him in matters that the law leaves him free."

In passing sentence on the defendants the court said:

"It would seem not inappropriate for such a penalty as will serve to deter others from following after such outlawed examples; will serve physically to impose obedience even though late; will serve to vindicate the orderly power of judicial tribunals and establish over this litigation the supremacy of law."

CORPORATION COUNSEL IS SATISFIED

Philadelphia, Pa., December 23.—James M. Beck, of New York, counsel for the Buck Stove company, and who made the closing argument for the company, in commenting on the case said:

"This case ought to be the death-knell of the boycott. If so, it is the most important decision in a labor controversy since the Debs case of 1896, from which it only differs in the fact that in the Debs case physical violence was used to paralyze interstate traffic. In the Buck Stove case the insidious and far more dangerous method of a boycott was employed."

William J. Bryan was much interested in today's labor contempt decision. Because of the prominence he gave to the court injunction issue in the late presidential campaign an interview with him on today's decision was sought. Mr. Bryan said:

"It is not my policy to criticize either federal courts or their action. The commitment to prison of two men so prominent in the labor movement as Gompers and Mitchell is unique in the annals of labor movements in this country. Until I have read the court's opinion and considered the matter carefully I can have nothing to say regarding the case. Criticising a court is far too serious a matter to be resorted to when the basis of the criticism would be a mere construction."

Morrison and Mitchell would not talk for publication. Gompers was asked if the sentence was a surprise to him, and he replied:

"A surprise! Indeed it was."

"But all I can think of to say at present has already been said. When I spoke to the judge I expressed all that I could properly at this time.

"I wish, though, that I had said something about the extracts from the political speeches which he quoted in his opinion. They were speeches made after the evidence in the trial was taken and were not in any way brought into the evidence."

CHRIST AND POLITICAL ECONOMY

Oliver McKnight writes to the Philadelphia North American to say:

"The Rev. E. B. Sanford, secretary of the Federal Council of the Church of Christ in America, is reported to have said: 'All of the bodies making up the great fellowship of 18,000,000 adult persons look to the Christ as the way, the truth and the life.' I should think if we have 18,000,000 adults who are really anxious to live lives founded on the example and death of Jesus, the end of vice, crime and swollen fortunes is at hand. A few years ago a certain minister won great prominence by advocating bringing into everyday affairs the precepts of Jesus. I do not know how he succeeded, but let us hope he failed financially, as it would never do to advertise the fact in this self-seeking age that 'there is money in it.' From the advent of Jesus in the manger at Bethlehem until His triumphant death on Calvary Hill, where three people remained to do Him homage, it was one long fight against 'the established order of things,' both of church and

state. This being so, if we wish to follow His example, we should 'render to Caesar the things that are Caesar's and unto God the things that are God's.' It is in no irreverent spirit that I ask every one of the 18,000,000 adult Christians to follow the advice of the minister aforesaid, and ask themselves, before deciding any question, religious, business or political, 'What would Jesus do?' Let them ask themselves, 'Would Jesus be a free trader or a protectionist? A monopolist or anti-monopolist? Would His desire for 'world power' be backed up by the newest patterns of warships or machine guns? Would He advise the taxation of the products of industry, while the values created by the community go into the pockets of the holders of the bounties of nature? The object desired by the council is praiseworthy, but it is of vastly more importance how the Christian people answer the questions I have propounded."



LAW OF CONSTITUTIONS

Professor Stimson, of Harvard University, has just issued a book entitled "The Law of Federal and State Constitutions in the United States" with an historical study of their principles, a chronological table of English social legislation and a comparative digest of the constitutions of the forty-six states. This is a very valuable book to all students of government and to all who are interested in political questions. The scope of Prof. Stimson's book may be judged from the following table of contents: Origin and Growth of American Constitutions; the Right to Law; the Right of Liberty; Chancery and the Injunction Order; the Right to Labor and Trade; the Right to Property; Other Constitutional Rights; Rights of Government; Government Organization; Federal and State Powers; and the State Constitutions.

The book also describes the right of trial by jury, the writ of habeas corpus, political rights, the division of national and state powers and a comparison of the provision of the various constitutions on important questions.

The book is published by the Boston Book company, of Boston, Mass.



A COMMON INTEREST

Some of the enemies of the guaranteed deposits plan have circulated a story that Mr. Bryan seeks to pose as a dictator toward the Nebraska legislature soon to meet at Lincoln. Mr. Bryan has but a common interest in the proceedings of this legislature. As a democrat and a citizen he is anxious that the pledges made to the people be fulfilled. The statement given to a reporter for the Lincoln (Neb.) Star covers the situation:

"I have only one interest in the legislature and that is to see every pledge of our platform carried out and this applies to the pledges made in our state platform and to such pledges in our national platform as can be carried out by the state legislature. I need hardly add that I shall take no part in contests for the offices in the legislature or the offices to be filled by the governor. My one interest is to see the pledges kept. This I'm interested in because platform pledges are a contract made with the voter and also because I believe that the keeping of such promises is necessary if the democratic party is to maintain its position in this state."



GARY OR POWDERLY?

A Brooklyn working man writes to the New York World to say:

"Yesterday you published the result of a visit by Judge Gary and friends to the Bowery Mission bread line, saying that all or nearly all of the unfortunates there in line were worthy of the charity. Just three days earlier you published the results of a visit by Commissioner Powderly in black headlines that the 'bread line was composed of bums.' It can not be possible for both these reports to be true. Whom shall we believe? Judge Gary is well known to most of your readers, but who is Powderly? Is he the man who was once a workingman himself, hailing from a machine shop at Scranton, later a labor agitator, still later head of the Knights of Labor, and who today holds a lucrative political job at the hands of the late Senator Quay? If these men are worthy they should not be classified as bums."

A snow-white stork, captured in the White River swamps of Indiana, will be sent to President Roosevelt, who may take a notion to forward it to Cincinnati.—Manchester Union.